

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 28, 1977  
7:00 P.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen

Absent: Councilmember Trevino

Dr. Browning Ware, Minister for the First Baptist Church, gave the  
Invocation.

NORTH AUSTIN OPTIMIST CLUB

RICHARD MATTHEWS, VERNON WEBB, and LEWIS WATTS were present in the  
Council Chambers to hear Mayor McClellan read a resolution adopted by the City  
Council of the City of Austin commending the North Austin Optimist Club for its  
contributions to the youth of this community. Mr. Lewis Watts thanked the Mayor  
and the Council on behalf of the organization.

AMERICAN RED CROSS

Mayor McClellan read a resolution adopted by the City Council commending  
the outstanding work of the American National Red Cross and citing the Capital  
Area Division, which was host for a simulated disaster operation involving  
COMSTAT on July 23, 1977. Accepting the resolution were BARR MCCLELLAN and  
GEORGE HILL. MS. LIZ ZARSKY presented a plaque to the Mayor in appreciation  
of her participation in the exercises. Mr. Hill introduced several volunteers  
and staff members of the Capital Area Chapter of the American Red Cross who were  
seated in the audience.

## APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes of the Meeting for July 21, 1977. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mullen  
 Noes: None  
 Abstain: Mayor Pro Tem Snell, Councilmember Cooke  
 Absent: Councilmember Trevino

## BUILDING STANDARDS COMMISSION

Councilmember Himmelblau moved that the Council appoint DEWAYNE C. GARNER to the Building Standards Commission with no expiration of term indicated. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
 Himmelblau, Mullen, Mayor McClellan  
 Noes: None  
 Absent: Councilmember Trevino

## ZONING HEARINGS

The Mayor announced the Council would hear the zoning cases scheduled for 10:00 A.M. Pursuant to published notice thereof, the following zoning cases were publicly heard:

BALCONES ASSOCIATES	3301-3309 Northland	From "A" Residence
By Hoyle Osborne	Drive	1st Height and Area
C14-77-064	5400-5618 MoPac	To "LR" Local Retail
	Boulevard	2nd Height and Area
		RECOMMENDED (as amended) by
		the Planning Commission

Applicant present. Mr. Lillie reviewed the location by use of slides. Councilmember Himmelblau said she wanted to make sure there was access to Balcones Drive. Mr. Lillie said he understood there would be easement access to Balcones. He said there was a long piece of land at the south end of the tract that belongs to the City and they were trying to determine whether or not the property should be declared surplus in order to work out an additional access to Balcones. Mr. Hoyle Osborne, representing the applicant, reiterated the easements to which Mr. Lillie had referred. After further questioning, Mr. Ternus, Director of Transportation, said that there would be traffic problems generated by the increased zoning. Councilmember Himmelblau expressed hope that property at the south end of the tract would be acquired as an access to the area.

Councilmember Mullen moved that the Council grant "LR" Local Retail, 2nd Height and Area District, as recommended by the Planning Commission, as amended. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor  
McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "LR" Local Retail, 2nd Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

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WILLIAM S. WINN & JOSEPH ZERN By Hoyle Osborne C14-77-065	1530-1544 East Anderson 7801-7813 Old Cameron Road	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area RECOMMENDED by the Planning Commission
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Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor  
McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

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AUSTIN NATIONAL BANK, EXECUTOR By Donald Bird C14-77-068	2200 TheorDrive	From "GR" General Retail 1st Height and Area To "C" Commercial 1st Height and Area RECOMMENDED by the Planning Commission
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Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor  
McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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IRWIN R. SALMANSON, 812 East 32nd Street  
 ET AL  
 By Robert Smith  
 C14-77-069

From "A" Residence  
 1st Height and Area  
 To "O" Office  
 1st Height and Area  
 RECOMMENDED by the Planning  
 Commission

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor  
 McClellan, Mayor Pro Tem Snell  
 Noes: None  
 Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN  
 By Planning  
 Department  
 C14-77-073

Area generally bounded  
 by Manchaca Road,  
 William Cannon Drive,  
 and Cherry Creek and  
 Whispering Oaks  
 Subdivision

From Interim "A" Residence  
 1st Height and Area  
 To "A" Residence  
 1st Height and Area  
 RECOMMENDED by the Planning  
 Commission

Councilmember Mullen moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor  
 McClellan, Mayor Pro Tem Snell  
 Noes: None  
 Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

NPC REALTY COMPANY  
 By Phil Mockford  
 C14-77-066

1316-1408 Kramer Lane  
 10906-11200 Pecusa  
 Drive

From Interim "AA" Residence  
 1st Height and Area  
 To "A" Residence  
 1st Height and Area  
 RECOMMENDED by the Planning  
 Commission subject to a  
 restrictive covenant providing  
 for a privacy fence between  
 the rear driveways and single-  
 family lots

Mr. Lillie reviewed the application by use of slides. Mr. Phil Mockford appeared to say that they believe they have developed a good plan to allow development in the area and are maintaining the density, even though duplexes will be built, because the lots are larger than single-family lots. Applicant present.

Councilmember Himmelblau moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
 Noes: None  
 Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ADON SITRA  
 C14-77-070

3959 Dry Creek Drive,  
 also bounded by F.M.  
 2222

From Interim "A" Residence  
 1st Height and Area  
 To "O" Office  
 1st Height and Area  
 (amended area)  
 RECOMMENDED by the Planning  
 Commission "O" Office on the  
 amended area north of the  
 ravine, subject to a restric-  
 tive covenant providing for a  
 special permit

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District, on the amended area north of the ravine, subject to conditions as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote: (applicant not present)

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
 Noes: None  
 Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District on the amended area north of the ravine, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

J. M. RICHARD  
By James J. City  
C14-77-071

1704 Redwood Avenue

From "A" Residence  
1st Height and Area  
To "BB" Residence  
1st Height and Area  
RECOMMENDED subject to a  
restrictive covenant limiting  
the use of the property to a  
triplex, by the Planning  
Commission

Applicant was present.

Mr. Lillie reviewed the application by use of slides. Mayor Pro Tem Snell wanted to know if the people in the neighborhood had been notified that the new zoning involved a move-on. The applicant's representative stated that they had notified the people to that effect, and Mr. Lillie showed a slide taken of the property with a sign on it telling of the move-on.

Mayor Pro Tem Snell moved that the Council grant "BB" Residence, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "BB" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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BULLARD COMPANY  
By W. H. Bullard  
C14-77-022

10602-10702 Middle  
Fiskville Road  
604-606 & 605-607  
East Grady Lane

From Interim "AA" Residence  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area  
NOT Recommended on the entire  
tract as amended.  
RECOMMENDED by the Planning  
Commission "A" Residence, 1st  
Height and Area District on  
the westernmost 20 feet and  
"LR" Local Retail, 1st Height  
and Area on the remainder.

Applicant was present. Mr. Lillie reviewed the application by use of slides.

Councilmember Cooke moved that the Council grant "A" Residence, 1st Height and Area District on the westernmost 20 feet and "LR" Local Retail, 1st Height and Area District on the remainder, as recommended by the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, on the westernmost 20 feet and "LR" Local Retail, 1st Height and Area District on the remainder, and the City Attorney was instructed to draw the necessary ordinance to cover.

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<p>I. V. DAVIS HOMESTEAD Mr. and Mrs. Cater Joseph, owner C14h-77-010</p>	<p>1610 Virginia Avenue</p>	<p>From "A" Residence 1st Height and Area To "A-H" Residence-Historic 1st Height and Area RECOMMENDED by the Planning Commission</p>
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Mr. Lillie reviewed the application by use of slides.

Councilmember Goodman moved that the Council grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

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<p>WALTER TIPS BUILDING Heritage Society, owner C14h-77-012</p>	<p>710-712 Congress Avenue</p>	<p>From "C-2" Commercial 4th Height and Area To "C-2-H" Commercial-Historic 4th Height and Area RECOMMENDED by the Planning Commission.</p>
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Mr. Lillie reviewed the application by use of slides. MS. MARIE HANNA, property owner in the area, appeared concerning the notice she had been sent regarding the zoning. She misunderstood the directive and presumed the area was going to be zoned as a district. Mr. Lillie explained that only the one building was involved in this zoning change.

Councilmember Mullen moved that the Council grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Mayor McClellan

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "C-2-H"  
Commercial-Historic, 4th Height and Area District, as recommended by the  
Planning Commission, and the City Attorney was instructed to draw the  
necessary ordinance to cover.

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FRANZETTI STORE  
BUILDING OF  
WHEATVILLE  
Emma Franzetti,  
Louis Franzetti,  
Mary Franzetti and  
Josephine Franzetti  
Powers, owners  
C14h-77-015

2402 San Gabriel  
Street

From "C" Commercial  
1st Height and Area  
To "C-H" Commercial-Historic  
1st Height and Area  
NOT Recommended by the Planning  
Commission

Mr. Lillie reviewed the application by use of slides. MS. BETTY PHILLIPS appeared before the Council to state she was in favor of historic zoning for this property and had five letters also in favor of historic zoning. She read two of the letters to the Council.

Motion - Died Lack of a Second

Mayor Pro Tem Snell moved that this case be brought back August 11, 1977. There was no second.

Motion

Mayor Pro Tem Snell moved that the Council grant "C-H" Commercial-Historic, 1st Height and Area District. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "C-H" Commercial-Historic, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

OMEGA INVESTMENT  
COMPANY  
By Roy Bechtol  
C14-876-012

2330 Bergstrom Highway

To a 640-unit residential  
Planned Unit Development  
called, "RIVER HILLS."  
RECOMMENDED by the Planning  
Commission with conditions

Applicant was present. Mr. Lillie reviewed the application by use of slides. Mayor Pro Tem Snell asked if this was to be low cost housing. Mr. Lillie answered that the homes would sell for about \$18,000. MR. EDWARD NEAL, Superintendent, Del Valle School, appeared to say the only concern he had with the proposed development would be the increased traffic using Cardinal Lane. Mr. Roy Bechtol appeared to inform the Council that all requirements of the Planning Commission have been met.

Councilmember Mullen moved that the Council grant the Planned Unit Development, as recommended by the Planning Commission, with conditions. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Mullen  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Himmelblau  
Absent: Councilmember Trevino

The Mayor announced that the change had been granted to Planned Unit Development, with conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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Zoning Denied

IRA F. & EVELYN W. COLLINS C14-77-063	1014-1018 Justin Lane	From "A" Residence 1st Height and Area To "LR" Local Retail 1st Height and Area NOT Recommended by the Planning Commission
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Mr. Lillie reviewed the application by use of slides.

Mayor Pro Tem Snell moved that the Council deny the requested zoning change. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the zoning had been DENIED.

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Zoning Postponed

E. L. SHEPPARD, ET AL By Donald Bird C14-77-067	12003-12005 Bell Avenue 12001 U.S. Highway 183	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area NOT Recommended by the Planning Commission on the entire site. RECOMMENDED 25 feet of "A" Residence, 1st Height and Area along the northern, western and southern boundaries, excluding the area for driveway access to U.S. Highway 183 only, and "GR" General Retail, 1st Height and Area on the remainder of the tract.
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Applicant was present. Mr. Lillie reviewed the application by use of slides. Mr. Donald Bird appeared for the applicant stating that they were asking for this zoning because the applicant wants to build a restaurant on the site. He asked that the Council not restrict the curb cut on Bell Avenue and asked that the requirement for a 25-foot buffer on U.S. Highway 183 be rescinded. In order for the Council to get a better picture of what will be built there, Councilmember Himmelblau asked if the applicant would present a conceptual plan. Mr. Bird indicated on a map where the restaurant would be situated on the land. Councilmember Himmelblau asked if the applicant had any plans to re-sell the lot. Mr. Bird replied, "no." Councilmember Goodman asked if a 25-foot buffer is unusual. Mr. Lillie replied that it was not.

MR. COYLE BUELLER, representing the homeowners in the area, appeared before Council to protest the proposed curb cuts on Bell Avenue. He told of the problems already existing with undue traffic in the neighborhood because of the way the streets are situated and because of a car wash situated at the corner of Bell and Conrad. It was his feeling that people patronizing the restaurant would turn right as they exited from the restaurant on to Bell and drive into the neighborhood, encounter dead end streets, and cause a problem when they turned around. He also said that because of the commercialization of the area, property values are not increasing on an average rate.

A woman, who did not identify herself, spoke as a mother in the neighborhood who is concerned for her children's safety if there is an increase in traffic.

Mr. Bird replied to the remarks of the citizens that his client was willing to cooperate with the neighbors, but he felt no curb cut on Bell would be unreasonable. He felt it would not create more traffic to be there because a car wash is already across the street from the site. Councilmember Himmelblau wondered if there could be parking for the restaurant on Highway 183 side. Mr. Bird replied that was planned. After questioning by Councilmember Cooke regarding the buffering he made the following motion:

Motion - Died for Lack of a Second

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District, with 10 feet of buffer on the back, 15 feet of buffer on Highway 183, 10 feet of buffer on the west, allowing access to Bell Avenue, and requiring Urban Transportation to erect "No Outlet" signs at the neighborhood street intersections. There was no second to the motion.

Motion

Councilmember Goodman made a motion to accept the Planning Commission's recommendation. The motion was seconded by Mayor McClellan.

Substitute Motion - Died for Lack of a Second

Councilmember Himmelblau moved that the Council grant the zoning with a buffer on the back with 10 feet of "A" Residence zoning; have a curb cut on Bell Avenue; a buffer on Bell and Conrad and no buffer on Highway 183. There was no second to the substitute motion.

Substitute Motion - Failed

Councilmember Mullen moved that the Council grant the zoning with a 25 foot buffer on the back, 10 feet of buffer on Highway 183, 10 feet of buffer on Bell Avenue, access to Bell via a curb cut, and "No Outlet" signs at neighborhood street intersections. The motion was seconded by Councilmember Cooke.

Mr. Bird commented that the motion would be acceptable. Mr. Bueller said that the neighbor's objective is to prevent more problems for children and again expressed his opposition to a curb cut on Bell. Councilmember Himmelblau again stated it would be easier to decide the zoning if they had plans for the building. Mr. Bird replied that they had thrown away their plans pending the zoning that would be granted. Councilmember Himmelblau said they could zone the property and then something in the land next to this area would not be acceptable. Mr. Bueller said he was in the restaurant business himself, and he did not think a restaurant on this site would be profitable. He felt that if the proper buffering is not zoned, and something happened so a restaurant was not built, anything might go in that area. He also asked, "If the contract or the restaurant falls through, then what would happen to the zoning?"

Roll Call on Substitute Motion

Ayes: Councilmembers Himmelblau, Mullen, Cooke  
 Noes: Councilmembers Goodman, Mayor McClellan, Mayor Pro Tem Snell  
 Absent: Councilmember Trevino

Amended Motion - Failed

Councilmember Goodman amended his original motion to permit 10 feet of buffer on Highway 183 instead of 25 feet as recommended by the Planning Commission, and accept all other recommendations of the Planning Commission. The motion, seconded by Mayor McClellan, failed to carry by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmember Goodman  
 Noes: Councilmembers Himmelblau, Mullen, Cooke  
 Absent: Councilmember Trevino

Mayor Pro Tem Snell said he thought it was a good idea to wait for a full Council on some zoning cases.

Motion

Councilmember Mullen moved that the Council postpone the hearing on this zoning case until August 11, 1977. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell,  
 Councilmembers Cooke, Goodman, Himmelblau  
 Noes: None  
 Absent: Councilmember Trevino

## PENDING ZONING APPLICATIONS

CARL BURNETTE AND E. G. HESTILOW By Robert Davis C14-73-220	1101-1221 West Ben White 4211 Banister Lane and north dead-end of Jinx Avenue	From "A" Residence 1st Height and Area To "O" Office 1st Height and Area (as amended) RECOMMENDED DISMISSAL by the Planning Commission
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Mayor Pro Tem Snell moved that the Council DISMISS the zoning application. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the zoning case had been dismissed.

NPC ASSOCIATES & NASH PHILLIPS & CLYDE COPUS, JR. C14-73-223	8569-8603 Research Boulevard (U.S. Highway 183)	From Interim "A" Residence 1st Height and Area To "GR" General Retail 1st Height and Area RECOMMENDED by the Planning Commission, deleting the subdivision condition. (Ordinance to be on Agenda)
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Mayor Pro Tem Snell moved that the Council grant "GR" General Retail, 1st Height and Area District, deleting the subdivision condition, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, deleting the subdivision condition, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN HOUSING AUTHORITY By Robert C. Sneed C14-73-230	2220-2316 North Loop Boulevard	From "LR" Local Retail 2nd Height and Area To "LR" Local Retail 3rd Height and Area RECOMMENDED DISMISSAL by the Planning Commission
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Mayor Pro Tem Snell moved that the Council DISMISS the zoning application. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the zoning case had been DISMISSED.

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M. M. BRINKLEY,  
L. R. WOLF and  
DAN R. RICHTER  
By Robert Davis  
C14-73-251

8000 and rear of 7700-  
8000 U.S. Highway 290  
East  
Rear of 2400-2448 Ed  
Bluestein Boulevard  
and bounded by Old  
Cameron Road

From Interim "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area (Tract X)  
"B" Residence  
1st Height and Area (Tract Y)  
"BB" Residence  
1st Height and Area (northern  
100 feet of Tract Y)  
"BB" Residence  
1st Height and Area (Tract Z)  
RECOMMENDED DISMISSAL by the  
Planning Commission

Mayor Pro Tem Snell moved that the Council DISMISS the zoning application. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the zoning case had been DISMISSED.

#### WILLIAMSON COUNTY MUD NO. ONE RESOLUTION POSTPONED

Mr. Dan Davidson announced that the following resolution scheduled for today would not be heard and is postponed to a later date:

Williamson County Municipal Utility District No. 1

- a. Consider granting a petition for addition of certain lands to Williamson County MUD No. 1.
- b. Authorizing the execution of an annexation agreement with Williamson County MUD No. 1, Fred Hochfield, Trustee, Round Rock Independent School District, Forest Troutman, Trustee, and Presbyterian Development Corporation.

## PUBLIC HEARING ON LAWSON LANE

The Mayor opened the hearing on vacating portions of LAWSON LANE, DOTSON STREET and LEONA STREET. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THOSE CERTAIN PORTIONS OF LAWSON LANE, DOTSON STREET AND LEONA STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; RETAINING AN EASEMENT IN THE CITY FOR DRAINAGE PURPOSES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing and waive the requirement for three readings, and declare an emergency and finally pass the ordinance on Lawson Lane, from the north line of East 11th Street in a northerly direction 345 feet more or less; Dotson Street from the east line of Lawson Lane to the east line of Leona Street and Leona Street from the northerly direction 106 feet more or less. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblam, Mullen, Mayor McClellan,  
Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 1, BLOCK "N," GEORGIAN ACRES, LOCALLY KNOWN AS 9103-9109 CAPITAL DRIVE AND 601-605 MIDDLE LANE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (James M. Dyess and Walter and Ruby Lawrence, C14-73-217)

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

## MEETING RECESSED

The meeting was recessed at 12:30 p.m. and resumed at 2:00 p.m.

## AFTERNOON SESSION

## CRIME PREVENTION VAN

The Council had before them a resolution to accept a gift of one crime prevention van from the Northwest Kiwanis Club. MR. GARY MEYER made the presentation on behalf of Kiwanis. He gave the Texas Certificate of Title and keys for the van to the Mayor, who in turn presented them to Chief of Police Dyson. Mayor McClellan expressed her thanks and gratitude on behalf of the City for the gift.

The Resolution was adopted by silent consent.

## 23RD STREET MARKET

MR. PHILIP G. BAERREIS, member, Committee to Preserve the 23rd Street Market, appeared before the Council to comment on the public hearing scheduled for August 4, 1977, and to invite the Council to Market on Saturday, July 30, 1977. Mr. Baerreis read a statement from his organization which stated as follows:

"We, the artist and crafts people of the 23rd Street People's Renaissance Market, in response to the public hearing scheduled by the Austin City Council, August 4th, 1977, at 10:30 a.m., cordially invite our Mayor, Carole McClellan, our Councilmembers and all the citizens of Austin, to Meet the Artist Day, Saturday, July 30, 1977. We are proud of our unique market which is rapidly developing a good reputation throughout the state and the nation. We feel that the market, even during the off season, will speak for itself better than any individual or group. We offer Meet the Artist Day as a chance for the citizens to visit the market and judge its character and quality for themselves. We feel that Austin will be equally proud of this clear evidence of the renaissance of arts and crafts in the United States. We hope you will join us."

Mr. Baerreis thanked the Council for the opportunity to address them. Mayor McClellan thanked Mr. Baerreis for the invitation and stated that the Council looked forward to the event on Saturday.

## STATUS OF EMPLOYEES

MR. JOSEPH F. PINNELLI, Business Manager, AFSCME, appeared before Council to discuss the status of employees in the City of Austin and how their status as employees directly effects taxpayers. Mr. Pinnelli indicated that City employees were afraid to appeal before the Council because of possible

repercussions. He cited the case of Mr. Ray Jordan of the EMS who was terminated shortly before appearing before the Council. Mr. Pinnelli stated that City employees were more concerned about job security, rather than pay increases. He stated that employees were unable to appeal a problem to management or the Council. He pointed out that the problem of job security needed to be addressed in a more efficient manner. Council member Goodman asked Mr. Pinnelli what City departments had significant work problems. Mr. Pinnelli stated that both of the City Utility departments and Brackenridge Hospital had problems, as well as other City departments. Mr. Davidson felt that the City personnel policies were the finest in the state. In connection with the Ray Jordan case, Mr. Davidson indicated that he advised Mr. Jordan to appeal his case before the Grievance Committee. Mr. Davidson stated that safety and efficiency committees would be implemented in most of the operating departments. He stated that he would submit a periodic report to the Council on the progress of implementing the various aspects of the new personnel policy. Mr. Davidson told Mr. Pinnelli that he would be happy to include his comments in the report prior to submitting the report to the Council.

He disagreed with Mr. Pinnelli's statement that the City had a widespread morale problem. Mr. Pinnelli indicated that City morale was low at Brackenridge Hospital due to the fact that the City may be selling the Hospital. He indicated that the City employees felt that the cost of living increases have not been kept up with. Councilmember Cooke asked Mr. Pinnelli to cite some problems with the City personnel policy. Mr. Pinnelli stated that supervisors don't have written orders specifying what can and cannot be done in employee matters. He indicated that there was not a method for prevention of termination of an employee.

Councilmember Cooke pointed out that there were provisions in the personnel policy for oral and written reprimands and disciplinary probation periods. Mr. Pinnelli indicated that these provisions were only conditional whenever they were possible. Mr. Davidson asked Mr. Jimmie Flakes, Director of the Personnel Department, to speak on the status of operational procedures intended to accompany the personnel policies. Mr. Flakes stated that they have been developing a procedural handbook to supplement the personnel policies. He stated that some of the procedures were subsequently decided upon by the City Manager or the Council and some procedures were developed by the Grievance Committee. These procedures have been forwarded to department heads. Mr. Davidson also indicated that a program was under way to train supervisors and department heads in the specifications of the personnel policies.

#### EAST AUSTIN OPTIMIST CLUB

MR. JIM BOWEE, representing the East Austin Optimist Club, appeared before the Council to request permission to lease City owned property located at 1187 Chestnut (dental clinic building) for activities of the organization. Mr. Bowie apologized that neither the organization's president, Mr. Robert Garrett, nor Mr. Harrison Fresch could attend the meeting. He stated that the building in question was currently scheduled for demolition. Mr. Bowie indicated that the organization needed the building to house its boxing program. He stated that they have not been able to find a place to house the program since they were forced to vacate the Ridgeview Gymnasium when Austin Community College took over the facility. Mr. Bowie stated that they were using the Doris Miller Auditorium but that there were not facilities for locking up their boxing equipment and that they had been victimized by theft.

Mr. Davidson stated that it would be quite costly to use the building because it was scheduled for demolition and needed many repairs. Mr. Davidson stated that he wanted more time to study what options existed, after which time he would report back to the Council. Mayor Pro Tem Snell asked Mr. Davidson how long this would take. Mr. Davidson indicated that this could be done by August 11, 1977. Mr. Bowie indicated that either himself or another member of the club could meet with Mr. Davidson. Mr. Davidson stated that he would want Mr. Jack Robinson, Director of the Parks and Recreation Department; Mr. Joe Morahan, Director of Property Management and other members of the staff present at the meeting. Mayor Pro Tem Snell indicated that he wanted to be present at the meeting.

#### PUBLIC HEARING SET FOR LAKE AUSTIN GROWTH MANAGEMENT PLAN

Councilmember Cooke moved that the Council adopt a resolution to set a public hearing for October 20, 1977 at 7:30 p.m. to consider amending Chapter 41 of the Austin City Code of 1967, to provide standards for development of land located within the watershed of Lake Austin as described by the resource maps of the Lake Austin Growth Management Plan. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Mayor McClellan  
Noes: None  
Absent: Councilmember Trevino

#### ANNEXATION HEARING SET

Mayor Pro Tem Snell moved that the Council adopt a resolution to set a public hearing for August 25, 1977, at 2:30 p.m. to consider annexing the following: (Case No. C7a-77-004)

84.82 acres of land out of the Thomas Anderson League, being all of the area to be subdivided into "The Village at Western Oaks" and the portion of Convict Hill Road adjacent to the 84.82 acre tract of land. (Requested by owner. In addition, the City of Austin is requesting annexation of the right-of-way for Convict Hill Road, abutting this property)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Mayor McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Trevino

#### ASSESSMENT PAVING POLICY AMENDMENT

The Council had before it for consideration a resolution to amend the Assessment Paving Policy to include Community District #12. Mayor Pro Tem Snell asked for a definition of the area. Mr. John German, Director, Street and Bridge Department, said that this is the Model Cities area. He said that

last week there was a report from the City Manager to the Council indicating the end to the Model Cities program. Mr. German said there are still some streets in the area that will need to be paved and will have to be handled under the standard Assessment Paving Policy. The amendment, if passed, will allow them to add the Model Cities area to those other districts, 1 through 11, St. John's and Clarksville which have special exemptions. Councilmember Cooke asked if this was with the 25% discount and deletion of the 7% interest rate. Mr. German said it was. He also indicated there was one minor change regarding the policy. On page 2, the one number should be changed from "11" to "12."

Councilmember Himmelblau moved that the Council adopt a resolution to amend the Assessment Paving Policy to bring it into conformity with the other Community Development Districts. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Trevino

#### RELEASE OF EASEMENT

Councilmember Goodman moved that the Council adopt a resolution to authorize the following easement:

The East 54.00 feet of a blanket wastewater easement over and across Lot 5, Block 6, Westfield "A." (Requested by Mary Nell Garrison representing the property owner)

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan, Mayor  
Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None  
Absent: Councilmember Trevino

#### APPROACH MAIN CONTRACTS

Councilmember Himmelblau moved that the Council adopt a resolution to authorize the following Approach Main Contracts:

E. R. RATHGEBER  
2304 Cypress Point West  
Austin, Texas

- Construction of an 8-inch wastewater approach main to serve Anderson Professional Park. (No cost participation to City of Austin)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Mayor Pro Tem Snell

Councilmember Himmelblau moved that the Council adopt a resolution to authorize the following Approach Main Contract:

E. R. BARROW ESTATE  
c/o The Austin Corporation  
P. O. Box 9558  
Austin, Texas

- Construction of 650 feet of 8" wastewater approach main to serve Shin Oak Valley of Northwest Hills Phase II (Dry Creek Approach Main). (Estimated cost to City is \$11,488.98)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

Councilmember Himmelblau moved that the Council adopt a resolution to authorize the following Approach Main Contract:

THE AUSTIN CORPORATION  
P. O. Box 9558  
Austin, Texas

- Construction of approximately 6100 feet of 21", 18", 15" and 12" wastewater approach main to serve Shin Oak Valley of Northwest Hills, Phase I (Dry Creek Approach Main). (Estimated cost to the City is \$229,700.00)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Mullen

Noes: Councilmember Cooke

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

Before the vote was taken on the above, Councilmember Cooke asked for a staff report on spending \$229,000. Mr. Curtis Johnson, Director, Water and Wastewater, explained that this approach main contract is in accordance with the Approach Main Policy that was adopted by the Council approximately a year ago. The basics of the policy are as follows: When an approach main is required to be run to a subdivision, the approach main is divided as the water or water and/or wastewater lines that are required to bring service to the subdivision but lie outside the subdivision. The basic policy, said Mr. Johnson, leaves in our hands the responsibility for sizing those lines so the lines can be put into the proper size to serve not only the particular subdivision in question, but the surrounding area as well. In each case the approach main would be run. Sometimes it might be simply an 8" line. In some cases the lines are larger to accommodate the adjacent lands. The subdivider in question under this policy has to assume the costs of the percent of the capacity of the line which he is going to use. For example, pointed out Mr. Johnson, if he were going to use 10% of the capacity of the given line, he would have to completely stand the cost of 10% of the construction of the line. The remaining portion of the line has to be paid for by the contractor with interim financing.

The City will pay the over-size cost (difference between what is needed by an area and what will be needed in order to accommodate surrounding areas also) back to the subdivider at the rate of 20% per year for 5 years with no interest payments. When an approach main is run, the City would also collect payments from subsequent subdividers based on their percentage of the capacity that they are using of that line also. In the case where the first subdivider might use 10% of the capacity, if another subdivider comes along and he would use 20% of the capacity...well, the second one would have to, as a part of the fiscal arrangements of that subdivision, pay in cash, to the City, 20% of the cost of that original construction. This provision carries for 5 years. After 5 years' time, there is no subsequent payment.

Councilmember Cooke questioned how the policy relates to the needs of the Austin Corporation and the different sizes of pipes in this particular development.

Mr. Johnson explained that in this particular case, depending on the section of the line bearing the various sizes, the Austin Corporation would have to assume between 20% and 28% of the cost. Certain sections of the line would be utilizing 20% of the capacity and in other sections, they would be utilizing 28% of the capacity. In this particular case, this line will also relieve a lift station which has been in existence more than 15 years. Councilmember Cooke wanted to know where the funds come from for the City's share of the bill. Mr. Johnson answered that approach mains is an item in the operating budget each year. After further discussion on the effect of the topography on wastewater lines, Councilmember Cooke said he did not think he had enough data to make a decision concerning this type of action. Mr. Dan Davidson, City Manager, pointed out that the policy under which these approach mains are submitted was approved by the last Council, and there was a great deal of explanation at that time in connection with the total program. "I am going to suggest," continued Mr. Davidson, "that we bring back to the Council a more complete description of how the policy evolved and what it actually does and what it was intended to do. I think this will help you in reviewing additional approach main contracts." Councilmember Cooke said that would be of great help to him.

#### CONTRACTS AWARDED

Councilmember Himmelblau moved that the Council ~~approve a resolution~~ approving the following contract:

CINCINNATI TIME RECORDER CO.  
1733 Central Avenue  
Cincinnati, Ohio

- CAPITAL IMPROVEMENTS PROGRAM,  
BRACKENRIDGE PARKING STRUCTURE,  
PARKING CONTROL EQUIPMENT - Purchase  
and installation of parking control  
equipment - \$14,100.00.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mullen

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

Councilmember Himmelblau moved that the Council adopt a resolution approving the following contract:

JOE McDANIEL  
15203 Highway 71W  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, 42"  
Concrete Steel Cylinder Water Trans-  
mission Main for the Davis Reservoir -  
\$814,744.00

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor  
McClellan

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

#### GRANT TO INTERLIBRARY LOAN OFFICE

Councilmember Himmelblau moved that the Council adopt a resolution to accept a grant of \$61,591 to cover expenses of the Interlibrary Loan Office for services to Austin Public Library and the 33 other members of the Central Texas Library, funded under the Federal Library Services and Construction Act, in a contract between the City of Austin and the Texas State Library for the period September 1, 1977, through August 31, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor  
McClellan

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

#### "CITY SPIRIT"

Councilmember Goodman moved that the Council adopt a resolution to approve submission of a grant request to the "City Spirit" Program of the National Endowment for the Arts. (No cost to the City). The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor  
McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

## SUMMER YOUTH RECREATION PROGRAM

Councilmember Goodman moved that the Council adopt a resolution to approve subcontracting \$6,000 of the \$45,070 Summer Youth Recreation Program grant to the Travis County Department of Human Services for recreational programs at four rural centers, Del Valle, Manor, Pflugerville and Oak Hill. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,  
Councilmembers Cooke, Goodman  
Noes: None  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Mayor Pro Tem Snell

## STREAM-GAUGES

Councilmember Goodman moved that the Council adopt a resolution to amend the agreement between the United States Geological Survey of the Department of the Interior and the City of Austin for the installation, operation and maintenance of stream-gauges out of the Austin area. (Total cost \$3,310; City share 50%) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau  
Noes: None  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Mayor Pro Tem Snell

## SOUTHLAND CORPORATION LEASE

The Council had before it a resolution to consider a temporary extension of the lease of certain City-owned property at Koenig Lane and North Lamar Boulevard to the Southland Corporation.

Councilmember Goodman asked for some details concerning the resolution. Mr. Dan Davidson told him the purpose of the item was to obtain a holding action until July 31, 1977, because the City and the Corporation had not had time to work out a lease agreement. The holding action would allow the Southland Corporation to continue at the location until a complete report can be brought to the Council. A 7-11 store is located on the site. The City is presently evaluating the rent figure which is for land only. The Corporation owns the building. Mr. Davidson said they had to work out landscaping requirements which were connected to the last lease, and which were not satisfactorily met. Councilmember Goodman asked Mr. Morahan why they needed four months to work out the lease. Mr. Morahan replied they needed this much time if the lease did not work out and the Southland Corporation had to close down and the City needed to advertise bids for a new tenant on the property. Mr. Morahan said that the Southland Corporation would like to build a new store if they can have a lease longer than three years in order to amortize the cost. Councilmember Goodman wanted to know why the City owned the property. Mr. Morahan informed him it was a corner of a large lot that contained a water reservoir and the City would never want to sell the lot.

Councilmember Cooke moved that the Council adopt a resolution to have a temporary extension of the lease of certain City-owned property at Koenig Lane and North Lamar Boulevard to the Southland Corporation. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

#### EAST 26TH STREET

Councilmember Himmelblau moved that the Council adopt a resolution to authorize the acquisition of certain land for the East 26th Street connection to Manor Road. CAPITAL IMPROVEMENTS PROJECT - EAST 26TH STREET. The motion, seconded by Councilmember Cooke, carried by the following vote:

Lot six (6), Block one (1), Nowlin Heights. (Clark Santos)

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

#### ACQUISITION OF LAND FOR MOPAC

Councilmember Mullen moved that the Council adopt a resolution to authorize the acquisition of certain land for the interchange at Loop 1 (MoPac and U.S. 183). CAPITAL IMPROVEMENTS PROJECT-- LOOP 1 (MoPAC) AND US 183.

40,446.79 square feet (0.9285 acre) of land, more or less, out of and part of Lot A, of the resubdivision of Lots 2 and 3, McCann Annex No. 2. (Frank Robert Miller)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Mayor McClellan

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

Mr. Dan Davidson commented that this matter had been looked at during a City Council Executive Session, but since that time the new state legislation for reimbursement of cities for state right-of-way projects will save us about \$50,000.00. Mr. Morahan added that the savings on the whole project will be several hundred thousand dollars. The City has to buy the land to start with, he said, and then the State reimburses 90% to the City. The money returned goes back into the public works type Capital Improvement fund. Mr. Davidson said it had to be accurately accounted for in that fashion.

## KOENIG LANE/BURNET ROAD INTERSECTION

Councilmember Goodman moved that the Council adopt a resolution authorizing the acquisition of certain land for intersection improvements at Koenig Lane and Burnet Road:

5,497 square feet of land out of reserved C, Commercial Area, Allandale, Section Two and Resubdivision of Lots 1, to 10 and Lots 38 to 56, inclusive, of Allandale, Section One. (Robinson Brother, Inc., et al)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Mayor McClellan  
Noes: None  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Mayor Pro Tem Snell

## COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Councilmember Goodman moved that the Council adopt a resolution to submit a Prime Sponsor Agreement for Title I of the Comprehensive Employment and Training Act for the period of October 1, 1977 through September 30, 1978. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor  
McClellan, Councilmember Cooke  
Noes: None  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Mayor Pro Tem Snell

Before the vote was taken, Councilmember Goodman said he had some questions which Mayor Pro Tem Snell had requested he ask.

On the chart of the civilian labor force by county, there is a discrepancy for 1976 for Travis County, and a discrepancy for Hays County in 1970....Travis employment 169,000 plus unemployment does not equal the labor force. The same discrepancy is in the 1970 Hays County computation.

Mr. Daron Butler, Director, Research and Budget, answered that the error might well be in mathematical computation and can be recalculated and corrected before submission. Councilmember Goodman asked if there was a pressing need to pass this today. Mr. Butler said there was, because submission should be in the Department of Labor by July 29, 1977. He pointed out that the item in question would cause no problem with the submission of the document. Labor market information will have no bearing on the amount of funds which will be received nor on the City's ability to receive the grant. Councilmember Goodman then made the motion for approval and asked that Mr. Butler communicate with Mayor Pro Tem Snell regarding the questioned items.

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT  
TITLE VI PROJECTS

Councilmember Goodman moved that the Council adopt a resolution to authorize negotiation of contracts with ten non-profit agencies to operate Comprehensive Employment and Training Act Title VI Projects. (Recommended by Manpower Area Planning Council) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,  
Councilmembers Cooke, Goodman  
Noes: None  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Mayor Pro Tem Snell

Before the vote was taken, Councilmember Goodman had some questions Mayor Pro Tem Snell had requested he ask:

1. What type jobs will the ten positions be?

Mr. Daron Butler answered that there are ten contracts, not ten positions. On the specific item of Goodwill, he said, there will be one foreman, one carpenter, and eight laborers.

2. Is there a breakdown of the budget available?

Mr. Butler answered there is and will send a copy to Mayor Pro Tem Snell, plus a breakdown of the evaluation it received.

FINANCIAL DISCLOSURE ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI OF THE CODE OF THE CITY OF AUSTIN OF 1967, SAID ARTICLE VI BEING ENTITLED "FINANCIAL DISCLOSURE BY CERTAIN CITY OFFICIALS"; PROVIDING FOR FINANCIAL DISCLOSURE BY CERTAIN OFFICIALS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending the Financial Disclosure Ordinance to make it clear that City Council candidates must file the same financial information as filed by City Council members. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Councilmembers  
Cooke, Goodman, Himmelblau  
Noes: None  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

## ONE-WAY STREETS

The Council considered an Ordinance establishing the following one-way streets between 5th and 6th Streets:

- |                     |              |
|---------------------|--------------|
| a. Campbell Street  | - Southbound |
| b. West Lynn Street | - Northbound |
| c. Powell Street    | - Southbound |
| d. Oakland Street   | - Southbound |
| e. Pressler Street  | - Northbound |

Councilmember Goodman asked Mr. Joe Ternus, Director of the Urban Transportation Department, how one would proceed from south of the river on to MoPac Expressway going north. Mr. Ternus stated that a person would take the First Street exit, go southeasterly on First Street, go under the underpass near Austin High School, come back on First Street going westbound and then come to MoPac. He stated that this was a much faster and safer way to go from South Austin to MoPac. Councilmember Goodman stated that most people come west on Fifth Street, turn on Campbell Street, go back around and then north on MoPac. Mr. Ternus indicated that this was fairly common but that this was also causing problems. He said that cars must cross two lanes of traffic going about 40-45 mph as they come off of MoPac. Mr. Ternus indicated that they were preparing a public information announcement to inform the public of the newer route and also request the State to include additional signing on the route. He pointed out that it was very difficult to follow the present signs.

Mayor McClellan pointed out that there was a lot of school bus traffic in the area also. Mr. Ternus stated that there were 35 buses making two to three trips a day going west on Sixth Street. He pointed out that requiring the buses to make the larger loop would be a dangerous situation and would also entail excessive mileage.

Councilmember Goodman asked Mr. Ternus how persons living in the effected areas were polled. Mr. Ternus stated that they had held two meetings in the area. One was in the Municipal Annex and the other was in the area. He stated that notices were sent out to people prior to the meetings. Mr. Ternus indicated that the idea to make Pressler Street and Oakland Street one-way was originated by the people who lived in the area. Mr. Ternus pointed out that problems originating at Sixth Street and West Lynn Street were what had originally given the project its impetus. He stated that there was a problem of visibility and traffic turning right on West Lynn Street to head north. Mr. Ternus pointed out that this problem would still exist even with the proposed changes. Councilmember Goodman felt that the problem should be studied a little longer before taking action.

Mr. Ternus stated that one of the recommendations was the need for a traffic signal at the West Lynn location. However, he pointed out that a signal would encourage traffic on West Lynn Street and that they were hoping a signal would not be needed. With the proposed one-way system, it may become necessary to put in a traffic signal any way. Mr. Ternus stated that this intersection along with others would continue to be monitored after the program is implemented

Councilmember Goodman asked Mr. Ternus if he would be inconvenienced if the project was postponed for a week. Mr. Ternus stated that they wanted to implement the project before the University of Texas resumes classes on August 15th, 1977. He was not sure they could do this if they had to delay the project another week. Mr. Ternus suggested delaying only the Oakland and Pressler Streets proposals. He pointed out that the intersection of Fifth Street and Campbell Street was a very dangerous location and that some change needed to be made.

Councilmember Goodman questioned how many of the area residents were in agreement with the proposed changes. Mr. Ternus stated that he did send out notices prior to the meetings. Mr. Ternus indicated that it would take between two and three weeks to implement the proposed changes. This does not include the signs which the State Highway Department would be requested to install. Councilmember Goodman asked Mr. Ternus if he felt it would be wiser to wait until the State Highway Department installed their signs before coming in and doing anything. This would also allow more time for citizen input. Mr. Ternus did not think it would be a good idea to wait. He indicated that he would receive assurance that the signs would be installed by the State before carrying out implementation of the project.

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE DESIGNATING THE DIRECTION IN WHICH TRAFFIC SHALL MOVE ON CAMPBELL STREET, WEST LYNN STREET, POWELL STREET, OAKLAND STREET AND PRESSLER STREET, BETWEEN 5TH AND 6TH STREETS, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Mullen moved that it be passed to its second reading. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen  
Noes: Councilmember Goodman  
Absent: Councilmember Trevino  
Not in Council Chamber when roll was called: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been passed through first reading only.

#### PARKING ZONES

The Council considered an Ordinance amending Section 21-37(g) and 21-54 of the Austin City Code to establish parking zones specifically for handicapped persons, and to authorize the traffic engineer to designate these zones. Mr. Joe Ternus told the Council that the State Legislature recently passed a law which allows for permanently disabled individuals to receive a decal and to be exempted from parking meter fees and fines.

Mr. Ternus stated that the City needed to identify and locate special zones for mobility impaired persons, particularly in congested parking areas so that these persons would have places to park not only in shopping centers but also in areas of work and business. This matter was presented to the Urban Transportation Commission. Ms. Joanna Cornell, a member of the Urban Transportation Commission, stated that the matter first came to her attention when the Commission was presented the program for parking in the central business district. She had noticed that there were no provisions in the proposal for handicapped persons. She felt that downtown parking facilities were greatly needed for the mobility impaired persons living in Austin.

Mr. Ternus stated that the City would use the decals provided by the State as a means to enforce the Ordinance. Councilmember Goodman asked how the decals would be obtainable. Ms. CORNELL stated that a person would have to go down to the County Courthouse with a physician's certification of being permanently disabled. A sticker is then issued which goes on the license plate and reads "disabled" on it. Councilmember Mullen asked what would determine how many parking spaces would be needed. Mr. Ternus stated this would be an administrative determination that could be made under the provisions of Code Section 21-37 in the same way loading or passenger zones are currently determined. The proposed amendment would provide for a handicapped zone. Mr. Ternus stated that the main cost to the City would be around \$3,000 to \$4,000 for the signs that would be needed. He indicated that this would be incorporated in the annual operating budget.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 21 OF THE AUSTIN CITY CODE OF 1967; ESTABLISHING A NEW SECTION 21-51; PROHIBITING PARKING IN "HANDICAPPED ZONES" OTHER THAN BY SPECIALLY MARKED VEHICLES; AMENDING SECTION 21-37 OF THE CODE TO ALLOW THE TRAFFIC ENGINEER TO ESTABLISH HANDICAPPED ZONES; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mullen

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Mayor Pro Tem Snell

The Mayor announced that the ordinance had been finally passed.

## AFFIRMATIVE ACTION REPORT

Mr. Jimmie Flakes, Director of Personnel summarized the Affirmative Action Progress Report which he had presented to Mr. Davidson and members of the Council:

"Attached is a report reflecting the status of the City's Affirmative Action Program which was approved by Council on December 12, 1974. Included in this report are the following items:

1. Departmental and City-wide statistical changes comparing as appropriate, October 1973, when the first formal activity began in this area; April 1975, when departmental Affirmative Action Plans were implemented; March 1976, the date of the initial status report, and May 1977. (Departmental statistics are current as of July 13, 1977.)
2. A status report of the various programs, both on-going and planned, which serve to enhance Affirmative Action efforts.
3. Key appointments occurring in the City during this time period which reflect the City's commitment to Affirmative Action.
4. Estimated costs for administration of the City's Affirmative Action Program, including, where available, costs of major programs.

A review of these items will reflect that the City has made significant progress in the employment of minorities and females over the past several years. The current City-wide statistics reflect that minorities are increasing both in percentage and in total numbers on the City payroll. In addition, statistics show that minorities have made some overall gains since 1973 in the Professional category. The key appointments which have been made during this time period further demonstrate the City's commitment to place minorities and females in key decision-making jobs. A review of the statistics provided for each City department will show that some departments have made excellent progress in improving the utilization of women and minorities.

The report further reflects that the City has developed and undertaken several projects to enhance its Affirmative Action efforts. While it may be too early to evaluate the over all effectiveness of these programs, I believe that they have resulted in an increased awareness on the part of employees concerning the City's Equal Employment Opportunity Program.

Although progress has occurred, there remain areas in which improvements need to be made. For example, current statistics reflect that the percentage of females employed in the Officials/Administrators category has decreased since 1973 and in the Professional category has decreased since 1976. This situation may be partly explained by the decrease in the number of employees at Brackenridge Hospital. In addition, while women and minorities have made over all gains in numbers since 1973 in the Officials/Administrators category, a review of the City's five-year goals indicates that continued emphasis must be placed in this area. Of particular importance is the need for individual departments to improve their utilization of minorities and females.

In reviewing progress made toward meeting our five-year goals, it should be remembered that these were based on the 1970 census and statistics provided to us by the Texas Employment Commission. Based on our current progress, it would appear that we have made excellent strides in attaining these goals. I would suggest, however, that we re-evaluate our goals based on current information from the Texas Employment Commission. In some cases we may find that our goals are unrealistically low. At your direction, the Personnel Department will begin to take immediate steps to review and adjust the goals as appropriate based on whatever data is available in the recently released 1976 census.

I continue to believe that one of the best ways for the City to achieve its Affirmative Action goals is through better utilization of those minority and female employees who are already on the City's payroll. The City must increase its efforts to identify, train and promote current staff and should rely on hiring from the outside as an alternative when these methods fail to produce the desired results. These efforts must be further supported by a commitment on the part of each City department administrator to fill the higher paying administrative and professional positions with minority and female applicants. Because basic hiring decisions remain the responsibility of each department administrator, only through the active participation of department heads in identifying positions and people will the City be able to attain its goals in the Officials/Administrators and Professional categories. The requirement remains for department administrators to undertake some innovative approaches in attaining Affirmative Action goals. The Personnel Department remains available to assist other City departments in any manner they require in developing and planning the attainment of their Affirmative Action goals.

I will be glad to discuss this report further with you at your convenience. Please contact me if there are any questions or any items that need clarification."

Mr. Flakes told the Council that they must continue with the affirmative action and not stagnate. He said he had personally seen the City Manager re-affirm his commitment to affirmative action and he believes the Council and community will see continued progress from now on.

Councilmember Cooke asked if this is the first time a report has been given. Mr. Flakes replied it was the first 52-page report...shorter reports have been presented previously. He said this was the first time he had included cost figures on the program and departmental statistics. Most of the other information is the same type that has been provided previously.

Councilmember Mullen referred to the report earlier in the day presented by Mr. Pinnelli, Business Manager, AFSCME, and asked what the City turn-over of employees is at the present time compared to a year or two ago. Mr. Flakes replied that it is a little less now. We are experiencing a 13% turn-over right now. In years past it has been 22-26%. The 13% figure is for the past six months. Councilmember Mullen said he was asking this because he wondered about the low morale among City employees that had been referred to by Mr. Pinnelli. Mr. Flakes replied that Mr. Pinnelli had talked about the personnel policies, and he said the re-classification program, while he thinks it is a very good program, has caused some problems. He thought that the re-classification had not been fully understood. Mr. Flakes feels that perhaps they need to work harder explaining just what the re-classification did for the employees, and explain more thoroughly what the personnel policies will do for the

individual. He said he felt things will settle down and that the Grievance Committee will contribute to the settling effect. Mr. Flakes feels the union serves a purpose in keeping the City aware of what is going on and that both he and the City Manager have attempted to deal with problems as they are disclosed.

Councilmember Goodman asked if there are a lot of vacancies right now in a specific instance? He asked specifically about the power production department. Mr. Flakes said he could not tell the Council what vacancies exist in power production. Councilmember Goodman said he had calls in the past week from people in the power plants complaining about working overtime because there were not enough people to go around. Mr. Flakes replied that working overtime does not imply there are not enough workers. He said the power plants have a project this week to take some equipment down and they can save about \$1,000.00 an hour if they break the equipment down this weekend as opposed to sometime in the middle of the week. This will require some people to work overtime. He said there presently is not a large number of job openings in power production...there are three vacancies in the electric department, two welders and one superintendent of administration. Mr. Davidson said that on a City-wide basis, percentage of vacancies is 4%, which broken down equates to 264 vacancies in 6200 positions. Some of those are being left open intentionally.

#### RECESS

The meeting recessed at 4:45, to wait for Mr. Dansby who was scheduled to appear before Council at 5:15 p.m. The meeting resumed at 5:10 p.m.

#### FUEL COST ADJUSTMENT OVERCHARGE

MR. C. R. DANSBY, JR., appeared before the Council to present a report to Council on the fuel cost adjustment overcharge to consumers since April, 1972. He indicated that the key to the whole electric rate study was boiler efficiency. He told the Council that this was important in determining fuel adjustment charges. Mr. Dansby pointed out that the formula used to determine the fuel adjustment charge is based on boilers that were in operation in 1950. These boilers had an output of 16,600 BTU/Kw whereas the newer boilers which are currently in operation have an output of 11,362 BTU/Kw, representing a difference of 40.8%. He stated that since 1975, this overcharge percentage started showing up more and more. Mr. Dansby indicated that 6% of the power output of Austin is lost due to line resistance and transformer heat dissipation. He stated that fuel on inventory is charged to a different account and the installations of fuel tanks are on a pay out plan that is not in the fuel adjustment charge.

Mr. Dansby felt that this was not a good way to collect extra revenue in the light that the reports published by the Electric Department lead the consumer to believe that the fuel cost is passed dollar for dollar and this is not the case. In regards to the overcharge on fuel adjustment, Mr. Dansby stated that the utility was collecting more money than was needed to operate on. This was the reason for a reduction and the calculation for the reduction was not based on the fuel adjustment breaking even but that the total revenue was in excess of what was needed. He stated that he did not see the correlation

between the two and felt that the fuel adjustment charge should be for fuel adjustments. Mr. Dansby pointed out that the funds collected for fuel cost adjustments should be kept in a separate ledger. He stated that since 1975, the City was making money in excess of what was needed to cover fuel cost. Mr. Dansby stated that a change was needed in the method of calculating fuel cost adjustments whereby the City can only collect the same amount as the cost for excess fuel. He indicated that the City accounting practices needed to be comparable to those of private utility companies which followed the Texas Public Utility Commission guidelines.

Mr. Monty Nitcholas, Director of the Finance Department, told the Council that the current formula for recovering fuel cost was not accurate. He stated that last December the City enacted an interim rate adjustment. At the time, the City had considered changing the fuel cost adjustment but the City rate consultants, Touche-Ross Company, advised against the change because the base rate and fuel cost adjustment are intertwined. Mr. Nitcholas indicated that a certain amount of the money collected for fuel cost adjustment is transferred into the City general fund. He pointed out that the current interim rate adjustment would reduce the amount of revenue coming into the City by \$8 to \$10 million. Mr. Nitcholas pointed out that Mr. Dansby did not take into consideration the fact that there were many other variables other than operating cost which had a bearing on the fuel cost adjustment. He stated that the City was heading for a fuel cost adjustment that would be dollar for dollar and that a rate adjustment would also be made at the same time.

Councilmember Goodman asked if the City was overcharging as Mr. Dansby suggested. Mr. Nitcholas stated that the system did have a tendency to over-collect on its fuel cost adjustment charge but that they were in debate as to when the cost recovery cut-off point was. Mr. Davidson stated that the points made by Mr. Dansby were brought to the attention of the Mayor's Electric Rate Commission in January, 1975, and also to the City Council. This was what lead to the City bringing in the Touche-Ross consultants. Mr. Davidson pointed out that the consultants recommended not changing anything until the City was ready to change the entire rate structure. He indicated that they were in the process of bringing about this change now and that this was why there had been no immediate change in the fuel cost adjustment charge. Mr. Nitcholas indicated that the City also had plans to adopt the Public Utility Commissions' accounting procedures.

#### Motion to Adjourn

City Attorney Jerry Harris pointed out that the Council could not legally adjourn without a quorum present to take the vote; therefore, the adjournment vote was taken mid-way in the presentation. Councilmember Himmelblau moved that the Council adjourn the meeting at 5:45 p.m. The motion was seconded by Councilmember Mullen. No vote was taken.

After the adjournment, Mr. Dansby stated that he would like someone to see if the dollar for dollar collection for fuel cost adjustment was in the neighborhood of being correct. Mr. Davidson indicated that the amount recovered for fuel cost adjustments could be categorized any way possible but that the City was not actually overcharging the consumer. He suggested that Mr. Dansby direct his comments to the consultants or to the Mayor's Commission

on Electric Rates. Councilmember Mullen expressed appreciation for Mr. Dansby's efforts but felt that the problem could not be resolved that night.

ADJOURNMENT

The Council adjourned at 5:45 p.m.

APPROVED

*Carole Keeton McCallum*  
Mayor

ATTEST:

*Grace Monroe*  
City Clerk